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ON

**State of Freedom of Expression in Uganda Under the CSO National
Stakeholders Forum on the UPR**

BY:

**Human Rights Network for Journalists Uganda (HRNJ-U)
Freedom of Expression Hub (FOE-HUB)
Collaboration on International ICT Policy in East Africa (CIPESA)
National Coalition of Human Rights Defenders Uganda (NCHRD-U)
-And-**

Editors' Guild, Entebbe Journalist Association, Federation of Women Lawyers Association (FIDA-Uganda), Human Rights Defenders Network Busoga, Kabarole Research Centre FM 102 (KRC), National Association of Broadcasters (NAB), Northern Uganda Media Club, Unwanted Witness, Umbrella For Journalists, Uganda Media Women's Association/MAMA FM, Uganda Media Development Foundation, Uganda Parliamentary Press Association, Uganda Journalists Association, Teso Broadcasting Service, Teso Karamoja Media Agency, Tororo Media Practitioners Association, Twerwaneho Listeners Club, West Nile Press Association

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About the Submitting Organisations

This report is a culmination of joint efforts and data contributions of the Media Freedoms, Freedom of Expression and Digital Rights cluster under the CSO National Stakeholders' Forum on the UPR- a loose network of over 300 NGOs dedicated to following upon on UPR mechanism coordinated by the [National Coalition of Human Rights Defenders Uganda](#). All these organisations, with varying experience and expertise are key actors in the advocacy on Freedom of Expression and attendant rights in Uganda. The report was compiled through collection of data from the membership of the cluster. A draft report was presented and validated amongst the members leading to this final report. This particular cluster on Media Freedoms, Freedom of Expression and Digital Rights was convened and co-convened by:

- I. **Human Rights Network for Journalists (HRNJ Uganda)** is a network of human rights journalists in Uganda working towards enhancing the promotion, protection and respect of human rights through defending and building the capacities of journalists, to effectively exercise their constitutional rights and fundamental freedoms for collective campaigning through the media. HRNJ-U was established in 2005 by a group of human rights journalists who had developed a sense of activism and was formally registered as an independent media group, non-profit and non-partisan organisation in 2006.
- II. **Freedom of Expression Hub** the Freedom of Expression Hub (FOE-HUB) is a not-for-profit organization registered in Uganda that strives to promote and defend freedom of expression within and beyond East Africa. Its establishment was inspired by the apparent closing space for the enjoyment and exercise of freedom of expression within the East African region. Our goal is to augment freedom of expression as a means to good governance through breaking barriers that hinder free expression.
- III. **The Collaboration on International ICT Policy in East Africa (CIPESA)** is one of two centres established under the Catalysing Access to Information and Communications Technologies in Africa (CATIA) initiative, which was funded by the UK's Department for International Development (DfID). CIPESA focuses on decision-making that facilitates the use of ICT in support of development and poverty reduction.
- IV. **Other members of the cluster include;** Editors' Guild, Entebbe Journalist Association, Federation of Women Lawyers Association (FIDA-Uganda), Human Rights Defenders Network Busoga, Kabarole Research Centre FM 102 (KRC), National Association of Broadcasters (NAB), Northern Uganda Media Club, Unwanted Witness, Umbrella For Journalists, Uganda Media Women's Association/MAMA FM, Uganda Media Development Foundation, Uganda Parliamentary Press Association, Uganda Journalists Association, Teso Broadcasting Service, Teso Karamoja Media Agency, Tororo Media Practitioners Association, Twerwaneho Listeners Club, West Nile Press Association

INTRODUCTION

1. The right to Freedom of expression (FoE) which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice is fundamental and should be protected. Freedom of expression is guaranteed under international and regional instruments to which Uganda is a party. Uganda's record must therefore be evaluated to establish the status of protection and promotion of Freedom of expression and media rights.
2. Uganda in the previous review received 226 recommendations, 148 were accepted while 78 recommendations were noted. Of the total recommendations, only three were specific to freedom of expression.¹
3. Since Uganda's review at the second UPR cycle in October 2016, the operational environment for the enjoyment of freedom of expression and the media has been shrinking with wide restrictions and curtailment, largely contributing to the closure of civic space. This has seen freedom of expression rankings for Uganda deteriorate.
4. This report assesses the state of Freedom of expression and media E in Uganda. It aims to score the status of FoE, media and related freedoms in relation to national, regional and international human rights standards from the last review in October 2016. It also fronts recommendations that could better Uganda's FoE and media record once adopted.

Fast Tracking Progress

5. The enjoyment of freedom of expression and media rights in Uganda continues to be inhibited by the authorities through implementation of obstructive laws, policies and arbitrary actions against media workers and citizens. In spite of the country's constitutional guarantees and international obligations on freedom of expression, particularly the press and media, Uganda has maintained a plethora of laws that criminalize and unfairly restrict and inhibit expression and media. The policy and legislative framework is often applied against media through regulatory overreach.
6. Media regulators have over the period frequently issued regulations, guidelines and policies that seriously undermine media rights and interfere with journalism including eroding editorial independence.
7. The National security agencies including the Uganda Police Force and Uganda People's Defence have on several occasions harassed, arrested and sometimes detained media practitioners without justifiable cause. President Yoweri Museveni has also repeatedly referred to some media organizations as "evil" giving impetus to his representatives to exercise undue control over media, especially at the district and local governance levels.
8. Uganda held its presidential and parliamentary elections between November 2020 and January 2021. The turbulent election was marred by unprecedented violence against the

¹ Human Rights Council, 'Report of the Working Group on the Universal Periodic Review' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement>

media, severe restrictions on freedom of expression including a total internet shutdown² and allegations of vote rigging. President Museveni, who has been in power for 35 years, won his sixth term, bringing his presidential reign to a total of 40 years.

9. The digital space which is one of the major sources of information and a platform for which FoE is enjoyed has suffered various restrictions and curtailments with inhibitive laws such as the now dropped OTT tax³ yet being replaced by a 12% levy on data. This levy will heighten the cost of internet access and potentially block millions of people from accessing the internet. Other restrictions arise from multiple Uganda Communications Commission Regulations with a record 18 regulations in 2019 that put in place stringent measures including fees, licensing regimes for broadcasters and artists and content restrictions among others.⁴

Freedom of Expression and the Media

10. The 1995 Constitution of Uganda guarantees the right to freedom of expression under article 29 (1) (a) to the effect that “[e]very person shall have the right to freedom of speech and expression which shall include freedom of the press and other media.” Equally Uganda is bound by article 19 of the Universal Declaration of Human Rights (UDHR), article 19 of the International Covenant on Civil and Political Rights (ICCPR), and article 9 of the African Charter on Human and Peoples Rights (ACHPR), all of which provide normative standards for the enjoyment of expression. Despite these legal obligations, Uganda’s record of freedom of expression is worrying, as the state, its agencies and operatives have continuously undermined its protection and enjoyment.
11. The evident restrictions have been witnessed in the deliberate actions of the government to restrict the media, journalists, and failure to reform existing laws like the Penal Code Act that unnecessarily criminalises expression; and the enactment of laws and policies that do not conform to international and regional standards and best practices on freedom of expression.
12. Furthermore, Uganda’s global freedom of expression and media rankings continues to decline. For example, for the past 2 years, it has been ranked as number 125 out of 180 by the World Press Freedom Index, attributed to harassment and intimidation of journalists.⁵ Similarly, Freedom on the Net report ranked Uganda as partly free in regards to freedom on the net.⁶
13. Several sections⁷ of the 1950 Penal Code Act criminalizes expression through providing custodial sentences for breaches. In June 2019, Pidson Kareire, a journalist with The

² Daily Monitor, ‘Govt lifts internet shutdown imposed over election’ <https://www.monitor.co.ug/uganda/news/national/govt-lifts-internet-shutdown-imposed-over-election-3286184> (accessed July 15, 2021)

³ Benson Tumusiime, ‘OTT tax stops today,’ Daily Monitor, June 30, 2021,

<https://www.monitor.co.ug/uganda/news/national/ott-tax-stops-today-3455434> (accessed July 15, 2021)

⁴ See for instance Uganda Communications Commission Blog, ‘New Communications Regulations Have Been Gazetted’ <https://uccinfo.blog/2019/11/13/new-communications-regulations-have-been-gazetted/> (accessed July 15, 2021)

⁵ Reporters Without Borders, ‘2021 World Press Freedom Index: Uganda’ <https://rsf.org/en/ranking> (accessed July 15, 2021)

⁶ Freedom House, ‘Freedom on the Net 2020 Uganda’ <https://freedomhouse.org/country/uganda/freedom-net/2020> (accessed July 15, 2021)

⁷ Penal Code Act sections 35, 37, 41, 49, 51, 52, 53, 83, 115, 179

Drone, an online publication, was charged and prosecuted for criminal defamation for a series of stories alleging that a labour recruiting company was cheating people by promising them jobs abroad.⁸ In August 2018, two NTV journalists, Herbert Ziwa and Ronald Muwanga were arrested while covering live political activities in West Nile and charged with incitement to violence under section 51 of the Penal Code Act. They were later released on Police bond.⁹

14. The Computer Misuse Act has also been invoked to undermine freedom of expression and media rights. In October 2017, New Vision Editor, Felix Osike, was charged with offensive communication under section 25 of the Act for publishing a story about the then Inspector General of Police, titled “Kayihura Security Beefed Up’ which was deemed displeasurable.¹⁰ This Act has also been used to deter online communication. For example, in August 2019, Dr Stella Nyanzi, a renowned government critic was found guilty of cyber harassment of the President and imprisoned under section 24.¹¹ In June 2019, similar charges were brought against the editor of Drone Media.¹²

Crackdown on Journalists and Media Houses

15. Uganda currently boasts of a vibrant press with hundreds of private radio stations and independent newspapers. For example, the total number of licensed radio stations as at 31st December 2020 was 202.¹³ In the exercise of the watchdog function, the media is often critical of government practices and actions. This role is however met with confrontation from the government with wide intimidation, harassment, arbitrary arrests, detentions, persecution and prosecution of media practitioners.
16. Since 2017, HRNJ-Uganda has recorded over 162 cases of arrests, detentions, and trumped-up charges against journalists. Furthermore, the Reporters without Borders has documented some 40 press freedom violations in Uganda since the start of November 2020, including eight arbitrary arrests of journalists and 21 acts of aggression against them.
17. During the 2021 electoral period, police and other government agencies, such as the Uganda Communications Commission (UCC) - the broadcasting regulator, Resident District Commissioners (RDC) blatantly violated acceptable standards of free expression and the media. In April, 2019, the police raided Mubende Fm, and switched off the radio in an attempt to stop Col. Besigye- a leading opposition figure from appearing for a radio

⁸ Ugandan editor charged with criminal libel and ‘offensive communication’ <https://cpi.org/2019/06/ugandan-editor-charged-with-criminal-libel-and-off/> (accessed July 15, 2021).

⁹ Arua: Arrested NTV journalists charged with inciting violence, malicious damage. <https://www.softpower.ug/aruwa-arrested-ntv-journalists-charged-with-inciting-violence-malicious-damage/>

¹⁰ Vision Editor charged over Kayihura story <https://archives.visiongroup.co.ug/vision/NewVisionApi/v1/uploads/NV011117pg04.pdf>

¹¹ Uganda: Freedom of expression takes a knock as Stella Nyanzi found guilty of cyber harassment <https://www.amnesty.org/en/latest/news/2019/08/uganda-freedom-of-expression-takes-a-knock-as-stella-nyanzi-found-guilty-of-cyber-harassment/>

¹² HRNJ, “Drone Media Journalist Charged, Released on Bail,” June 14, 2019, <https://www.hrnjuganda.org/5311/> (accessed July 15, 2021).

¹³ UCC, “List of Authorised Radio Broadcasters as of 31st December 2020,” <https://www.ucc.co.ug/wp-content/uploads/2021/01/FINAL-LIST-OF-AUTHORISED-RADIO-BROADCASTERS-AS-OF-31st-DECEMBER-2020.pdf> (accessed July 15, 2021).

talk show.¹⁴ Throughout 2020, journalists covering the campaign events of Robert Kyagulanyi were harassed, assaulted, and detained, on various charges. Africa Centre of Media Excellence (ACME) reported that at least 15 journalists were attacked, injured and or arrested as they covered campaigns for the 2021 presidential elections.¹⁵

18. Several journalists covering opposition politicians were beaten and injured. On December 27, 2020 journalists were arrested and detained before release without charges as they followed presidential candidate, Robert Kyagulanyi. Derrick Wandera of the Daily Monitor had his phone smashed by soldiers who accused him of communicating live. His colleague was also arrested on similar accusations.¹⁶ On January 1, 2021, Dedan Kimathi, a reporter for the online publication, *Chimpreports*, was beaten by soldiers and police in Northern Uganda as he attempted to take pictures. He sustained injuries on his face. The soldiers ordered him to delete materials they suspected he had captured. He was rushed to hospital where he received treatment.¹⁷
19. On 17th February, 2021, several journalists were unjustifiably assaulted by UPDF soldiers, as they covered former presidential candidate Robert Kyagulanyi present a petition to the Office of the United Nations High Commissioner for Human Rights (OHCHR), in Kampala ,over abduction and disappearance of his NUP supporters.¹⁸ Between March and May, 2021, police arrested and assaulted at least 10 journalists while enforcing COVID-19-related restrictions.
20. On April 4th, 2020 police arrested Rogers Asiimwe of Freedom Radio, raided his office, and questioned him about his discussion of the coronavirus, its origins, and the lockdown measures instituted by the Ugandan government.¹⁹ According to Committee to Protect Journalists (CPJ) he was arrested for “spreading harmful propaganda and sabotaging the government’s move to curb [COVID-19]”
21. Security forces continue to act in a manner that is detrimental to the enjoyment of media rights, making journalism practice extremely difficult. The Uganda Police Force and Uganda People’s Defence Forces have severally shot at journalists, beaten, harassed, detained and smashed their gadgets with impunity.
22. On December 30 2020, the Deputy Inspector General of the Uganda Police Force (UPF), Maj. Gen. Paul Lokech, issued a statement that “with effect from December 31

¹⁴ Daily Monitor, “Police, RDC switch off radio station in attempt to stop Besigye talk show,” <https://www.monitor.co.ug/uganda/news/national/police-rdc-switch-off-radio-station-in-attempt-to-stop-besigye-talk-show-1820692> (accessed July 15, 2021).

¹⁵ ACME, “STATEMENT – Attacks on independent media and civic space must stop.” December 27, 2020, <https://acme-ug.org/2020/12/27/news-release-attacks-on-independent-media-and-civic-space-must-stop/> (accessed July 15, 2021).

¹⁶ Daily Monitor journalist on Bobi Wine campaign trail arrested in Kalangala <https://www.monitor.co.ug/uganda/news/national/daily-monitor-journalist-on-bobi-wine-campaign-trail-arrested-in-kalangala-3243258>

¹⁷<https://chimpreports.com/security-forces-assault-chimpreports-journalist-dedan-kimathi-on-amuriat-campaign-trail/>

¹⁸ Military police beat up journalists covering Bobi Wine petition to UN <https://www.monitor.co.ug/uganda/news/national/military-police-beat-up-journalists-covering-bobi-wine-petition-to-un-3294654>

¹⁹ Committee to Protect Journalist, “Local officials arrested, attacked and confiscated equipment of radio journalist in western Uganda” <https://cpj.org/2020/06/local-officials-arrested-attacked-and-confiscated-equipment-of-radio-journalists-in-western-uganda/> (accessed July 15, 2021).

2020, police will “only recognize journalists and media practitioners who are accredited by the Media Council, during the coverage of political campaigns and other electoral events.”²⁰ Journalists without press tags were deemed criminal.

23. Prior to the Police’s statement, Ashraf Kasirye, a journalist working with Ghetto online TV was on 27 December 2020 shot on the head while covering presidential candidate Robert Kyagulanyi, and seriously injured. He was rushed to hospital in critical condition.²¹ On the same day, two other journalists working for NTV and NBS were seriously injured when police deliberately shot at them while they covered elections.²² Police said that the journalists were “regrettably caught up during the process of dispersing violent groups.”²³
24. The Inspector-General of Police (IGP) of the UPF justified the assault on the journalists as necessary for “their own safety”.²⁴ The statement came in the wake of increased police brutality against journalists covering opposition candidates. On December 27, at least three journalists were injured by the police, one of them seriously; and earlier that month police beat up six journalists who were covering Kyagulanyi in Lira town in northern Uganda.²⁵
25. The assault on media freedom was further highlighted when the statutory regulator for journalists, the Media Council issued directives in December of 2020 for journalists to register with the Council in order to cover the elections²⁶ and threatened criminal charges against any media houses, both local and international, including freelance journalists, who failed to register. The requirement for payment of two hundred thousand shillings for registration (USD 56) at short notice was an extra limitation for poorly paid journalists. The timing of the directives was suspicious as the election was a few weeks away. This is believed to have been a well calculated means of curtailing media coverage of elections. The registration and accreditation of journalists was challenged by the

²⁰ See Press Statement: Enforcement of the Media Council guidelines. <https://www.upf.go.ug/enforcement-of-the-media-council-guidelines/>

²¹ Ghetto Media Cameraman Ashraf Kasirye Shot in Masaka. <https://ugandaradionetwork.net/story/gheto-media-camera-man-ashraf-kasirye-shot-in-masaka>

²² Clare Muhindo, “Journalists injured as police turn guns on the media,” ACME, December 28, 2020, <https://acme-ug.org/2020/12/28/journalists-injured-as-police-turn-guns-on-the-media/> (accessed July 15, 2021)

²³ Uganda Police Force, “Statement on violent fracas at Kyabakuza,” <https://www.upf.go.ug/statement-on-violent-fracas-at-kyabakuza/> (accessed July 15, 2021).

²⁴ Job Bwire, “Police will beat you for own safety, IGP Ochola tells journalists,” Daily Monitor, February 17, 2021, <https://www.monitor.co.ug/uganda/news/national/police-will-beat-you-for-own-safety-igp-ochola-tells-journalists-3251102> (accessed July 15, 2021).

²⁵ Job Bwire, “Police beat up journalists covering Bobi Wine campaign trail,” Daily Monitor, December 12, 2020, <https://www.monitor.co.ug/uganda/news/national/police-beat-up-journalists-covering-bobi-wine-campaign-trail-3226432> (accessed July 15, 2021).

²⁶ Human Rights Network for Journalists, “Press freedom index -2020” <https://www.hrnjuganda.org/download/reports/Press-Freedom-Index-Report-2020.pdf> (accessed July 15, 2021).

Editors Guild as illegal and irrational, and was quashed by court.²⁷

Access to Information and Censorship

26. The right of access to information is guaranteed by article 41 of the 1995 Constitution and the Access to information Act of 2005 which gave effect to the access to information regulations of 2011 that provide for the procedures to be followed for processing information including fees to be paid before access is granted. Access to information however exempts a wide range of information from public access. Under section 24, access is subject to conditions which must be fulfilled by the applicant. The exempted information under the Act includes information relating to records of cabinet and its committees, confidential information, commercial information of third parties, information relating to protection of safety of persons and property, information relating to legal proceedings, privileged information, operations of public bodies. The exempted information is wide and literally covers very important information that can be used to hold the government accountable.
27. While with an enabling access to information law, practice has revealed gaps in the implementation of the law. Government agencies, ministries and departments are usually in the habit of rejecting information requests. For example, the Hub for Investigative Media has made several attempts to access information. Majority of the requests are not processed²⁸ while those rejected²⁹ greatly outnumber those that are granted.³⁰
28. Section 8 of the Access to Information Act provides for proactive disclosure of records and section 43 provides for annual reports by responsible ministers of MDAs on the state of access to information in respect to the MDA including information requests filed, those granted and those rejected and the reasons for the rejection. Ministers have however never complied with this legal requirement.³¹
29. There is also a general lack of knowledge of the right to information DUE TO lack of government sensitisation of the right. This is shown by the nature of information requests made by citizens on the AskYourGov portal³² which is an online portal setup by the Office of the Prime Minister in Collaboration with the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) and the Africa Freedom of Information Centre (AFIC) in 2014. The information requests are rather different from information that can be used for accountability and transparency demands of the government. On the other hand, some government MDAs have deliberately failed to process individual information requests.
30. The threats to access to information have been shown in the government directives to censor the media. The UCC in May 2019 ordered 13 broadcast media houses (six television stations and seven radio stations) to suspend 39 producers, heads of programming and heads of news over alleged production substandard content after they

²⁷ ACME, "FULL RULING: Editors Guild, CEPIL V Attorney General," January 19, 2021, <https://ugandajournalistsresourcecentre.com/full-ruling-editors-guild-cepil-v-attorney-general/> (accessed July 15, 2021).

²⁸ Hub for Investigative Media, "Pending Requests," <http://him-ug.org/pending-requests/> (accessed July 15, 2021)

²⁹ Hub for Investigative Media, "Denied Requests," <http://him-ug.org/denied-requests-2/> (accessed July 15, 2021)

³⁰ Hub for Investigative Media, "Granted Requests," <http://him-ug.org/pending-requests-2/> (accessed July 15, 2021)

³¹ Collaboration on International ICT Policy in East and Southern Africa (CIPESA), 'Uganda Launches Portal to Support Citizens' Right to Information' <https://cipesa.org/2014/08/press-release-uganda-launches-portal-to-support-citizens-right-to-information/>, Last Accessed 25 June 2021.

³² <https://askyourgov.ug/> S

covered protests sparked by the arrest and respective detention Robert Kyagulanyi who had shown interests in vying for presidency in the country.³³ The affected television stations included BBS TV, Bukedde TV, Kingdom TV, NBS TV, NTV, and Salt TV while radio stations included; Akaboozi,, Beat FM, Capital FM, Pearl FM, Radio Simba and Sapientia FM. This was a move to silence critical voices and dissemination of information to the public.

Digital Rights and Freedoms

31. Uganda has over the years grown its online sector. The number of active pay TV subscribers stands at 1.54 million.³⁴ As regards internet penetration, by close of December 2020 internet subscription stood at a total of 21.4 million active internet subscriptions translating into an internet penetration of 1 internet connection in every 2 Ugandans.³⁵ Fixed and mobile phones are estimated at 26.6 million subscriptions.³⁶
32. There have been legal and policy frameworks to promote the sector. For instance, the Data Protection and Privacy Act was enacted in 2019 and the Data Protection and Privacy Regulations were adopted in March 2021.³⁷ However, other laws like the Computer Misuse Act 2011 and Regulation of Interception of Communications Act 2010 (RICA) are manipulated by the state apparatus to suppress citizens' digital rights. Government agencies have relied on some unclear provisions of the law to seek to muzzle online criticism of actions of government departments, agencies and individuals in government.
33. On 12th February 2021, the Ugandan authorities shut down the internet and blocked access to all social media platforms.³⁸ In a January 12th letter, the Uganda Communications Commission ordered internet service providers in the country to “immediately suspend any access and use” of all messaging apps and social media platforms until further notice.³⁹ This action is against the commitments made by Uganda to adhere to FoE standards at the second cycle UPR.
34. The Uganda Communications Commission (UCC) confirmed that the blockage was imposed for security reasons. Due to the Covid-19 pandemic, citizens in Uganda were increasingly reliant on digital technologies for information crucial to their health, education, economic livelihoods, and political participation.
35. In the wake of COVID-19, Uganda issued a number of regulations under the Public Health Act with the aim of containing the spread of the virus. However, some of the regulations such as the Public Health (Control of Covid -19) Rules, SI. No.38 of 2021 largely interfered with privacy of the individual as they required mandatory and voluntary

³³ The Observer, ‘Bobi Wine: UCC orders suspension of 39 journalists at 13 media houses’ <https://observer.ug/news/headlines/60575-ucc-orders-suspension-of-39-journalists-at-13-media-houses> (accessed July 15, 2021).

³⁴ Uganda Communications Commission, “Market Performance Report 3Q20 (July - September 2020)”, <https://www.ucc.co.ug/wp-content/uploads/2021/01/MARKET-PERFORMANCE-REPORT-Q3-2020-Final-compressed.pdf>

³⁵ Uganda Communication Commission, ‘Market Performance Report 4Q2020’ <https://www.ucc.co.ug/wp-content/uploads/2021/04/UCC-Q4-2020-Market-Performance-Report-compressed.pdf> (accessed July 15, 2021).

³⁶ Ibid., 13.

³⁷ https://www.dataguidance.com/sites/default/files/uganda_data_protection_regulations_small.pdf

³⁸ Reporters Without Borders, “Uganda blocks social media and messaging apps, isolating election,” January 13, 2021, <https://rsf.org/en/news/uganda-blocks-social-media-and-messaging-apps-isolating-election> (accessed July 15, 2021)

³⁹ Reuters, “Uganda orders all social media to be blocked – letter,” January 12, 2021, <https://www.reuters.com/article/uk-uganda-election-social-media-idUSKBN29H1EB> (accessed July 15, 2021)

disclosure of information relating to infection and sickness from the virus. The rules also provide for mandatory searches of homes or premises once there is suspicion that someone staying in a home or premises has the virus. Further, parliament passed the Political Parties and Organisations (Conduct of Meetings and Elections) Regulations 2020 which in regulation 5 limited political meetings to virtual.

36. On July 13, 2019, an evangelical pastor, journalist and critic of the president and the ruling government, Joseph Kabuleta was arrested and detained at the army's Special Investigations Unit in Kireka on the outskirts of Kampala for four days without trial over his Facebook post under his "Weekly Rant" where he referred to President Museveni as "a gambler, thief and liar."⁴⁰ With neither a warrant of arrest nor police summons, Kabuleta was allegedly interrogated, and physically assaulted. He was released on Police bond following family and public pressure and cautioned to disassociate with the media.
37. The government increased its crackdown on social media as online activists were targeted for posting information which the government perceived was aimed at destabilising the country. In August 2019, the Uganda Communication Commission (UCC) issued an order requiring all social media bloggers, YouTubers, and online influencers to be registered.⁴¹ In September 2020, the UCC announced that all online content creators must register by October 5. The registration process includes a \$27 fee, and applicants have to provide their passport, national identification information, and contact information.
38. The UCC in December 2020 asked Google to block 14 YouTube channels including Bobi Wine 2021, Busesa Media Updates, TMO online, Lumbuye Fred, Uganda Yaffe, Uganda News Updates, Ghetto TV, Uganda Empya, , KK TV, Ekyooto TV, Namungo Media, JB Muwonge 2, Map Mediya TV and Trending Channel Ug sympathetic to opposition candidate Robert Kyagulanyi.⁴² The UCC said the channels were misleading the public and inciting violence. UCC argued that these channels were used to mobilise protests in November 2020 that left more than 50 people dead. However, it is through these channels that repeated cases of blatant police and army brutality against critics were documented and reported. Google declined to consider the blockage request since it was not accompanied by a court order.⁴³
39. On 29th November, 2020, three foreign journalists including Margaret Evans, Producer Lily Martin and Videographer Jean-François Bisson were deported by the Government of Uganda including three Canadian journalists with CBC News who had come to cover campaigns were deported.⁴⁴ The government spokesperson, Mr. Ofwono Opondo in a twitter response justified the deportation stating that; "You don't apply for a tourist visa only to be found working as a journalist you broke your own terms of stay in Uganda. Nevertheless, you can reapply and will be accredited if you want to work as a journalist in Uganda,"

⁴⁰ The Independent Newspaper, "Enanga- We arrested Kabuleta," July 12, 2019,

<https://www.independent.co.ug/enanga-we-arrested-kabuleta/> (accessed July 15, 2021)

⁴¹ ACME, "Storm brews over UCC online and social media registration rules," August 22, 2019, <https://acme-ug.org/2019/08/22/storm-brews-over-ucc-online-and-social-media-registration-rules/> (accessed July 15, 2021)

⁴² Daily Monitor, 'Government wants Google to close 14 Ugandan YouTube channels' <https://www.monitor.co.ug/uganda/news/national/government-wants-google-to-close-14-ugandan-youtube-channels-3229752>, (accessed July 15, 2021).

⁴³ The Independent, 'Google tells Uganda to go to court' <https://www.independent.co.ug/google-tells-uganda-to-go-to-court/>, (accessed July 15, 2021).

⁴⁴ CBC News, "CBC News journalists deported from Uganda, despite having press credentials," November 30, 2020, <https://www.cbc.ca/news/world/cbc-news-journalists-deported-uganda-1.5821367> (accessed July 15, 2021).

40. The government of Uganda continues to conduct communication and open surveillance using the Regulation of Communication Act, 2010. In August 2019, an investigative report by the Wall Street Journal revealed how Huawei technicians had assisted Uganda police personnel to break into encrypted communication for opposition member of parliament Robert Kyagulanyi, also known as Bobi Wine.⁴⁵ However, the police and Huawei denied the allegations in the report.
41. The UCC in September 2020 issued an order requiring all online publishers and broadcasters to apply and get authorisation before they operate.⁴⁶ On 6th March, 2018 UCC issued a directive demanding that all online data communication service providers, online news publishers, online radio and Television service providers to apply and obtain authorisation from the commission.⁴⁷ This directive strips the anonymity of content producers and has led to increasing online self-censorship.⁴⁸ In line with the directive, in February 2019, UCC ordered the Daily Monitor newspaper to cease publication of content on its website, pending clearance from the Commission.⁴⁹ The Daily Monitor was accused of being non-compliant with a directive issued in March and April 2018 that required online newspapers to register

Recommendations to the Government of the Republic of Uganda

- (a) We call upon government, their agencies and authorities to drop all regressive measures that curtail digital rights and freedoms and instead adopt and undertake measures that promote the protection and enjoyment of freedom of expression and the media, both on and offline
- (b) Amend and revise all laws, regulations and policies that infringe on freedom of expression media rights and bring them in tandem with constitutional guarantees and international standards through:
- (i) Decriminalising defamation through repealing section 179 of the Penal Code Act
 - (ii) Amending sections 24 and 25 of the Computer Misuse Act that provide for cyber harassment and offensive communication respectively
 - (iii) Adhering to the Constitutional Court’s decision on decriminalisation of false information under section 50 of the Penal Code.

⁴⁵ Joe Parkinson, Nicholas Bariyo and Josh Chin, ‘Huawei Technicians Helped African Governments Spy on Political Opponents’ *The Wall Street Journal*, August 15, 2019, <https://www.wsj.com/articles/huawei-technicians-helped-african-governments-spy-on-political-opponents-11565793017>, (accessed July 15, 2021)

⁴⁶ Uganda Communications Commission, ‘Reminders to providers of online data communication and broadcasting services to obtain authorisation’ <https://www.ucc.co.ug/reminder-to-providers-of-online-data-communication-and-broadcasting-services-to-obtain-authorisation/>, (accessed July 15, 2021)..

⁴⁷ Uganda Communications Commission, “ONLINE DATA COMMUNICATION SERVICES” https://www.ucc.co.ug/wp-content/uploads/2018/03/UCC_ONLINE-DATA-COMMUNICATIONS-SERVICES.pdf

⁴⁸ Freedom House, “Freedom on the net 2018” <https://freedomhouse.org/country/uganda/freedom-net/2018>

⁴⁹ The Independent, ‘UCC orders Daily Monitor to shut website’ <https://www.independent.co.ug/ucc-orders-daily-monitor-to-shut-their-website/> (accessed July 15, 2021); see also African Centre for Media Excellence, “UCC threatens to shut Monitor Website” <https://acme-ug.org/2019/02/08/ucc-threatens-to-shut-down-monitor-website/> (accessed July 15, 2021)

(iv) Repealing provisions under the Press and journalists Act that arbitrarily infringe on media freedoms including those that provide for onerous registration and accreditation processes for journalists.

(c) End intimidation and harassment of journalists and others exercising their right to free expression on and off line and hold to account those that violate journalists' rights. Investigate circumstances under which journalists have been injured in the course of their work by security operatives and make public the findings

(d) End the practice of arbitrary internet shutdowns, fully restore social media and ensure that any restrictions to internet access are authorised by law, in line with regional and international standards

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